

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

STATE OF HAWAII, *EX. REL.*  
DAVID M. LOUIE, ATTORNEY  
GENERAL,

Plaintiff,

vs.

JPMORGAN CHASE & CO., CHASE  
BANK USA, N.A. AND DOE  
DEFENDANTS 1-20,

Defendants.

CIVIL NO. 12-00263 LEK-KSC  
(Other Civil Action)

DECLARATION OF COUNSEL;  
EXHIBIT A

Trial Dates: Not Set

DECLARATION OF COUNSEL

1. I am one of the attorneys for JPMorgan Chase & Co. and Chase Bank USA, N.A. (collectively "Chase") in Civil No. 12-00263 LEK-KSC.
2. I am licensed to practice law before all courts of the State of Hawai'i.
3. I have personal knowledge of the matters stated herein.

4. On June 15, 2012, Plaintiff filed motions to remand this action and five other similar actions, which have been transferred to this Court for purposes of deciding the motions to remand.<sup>1</sup>

5. The hearing on the motions is set for November 19, 2012.

6. As more fully explained in Defendants' Motion for Leave to File Defendants' Joint Sur-Reply in Further Opposition to Plaintiff's Motions to Remand and for Costs and Fees Filed June 15, 2012 [Doc Nos. 37-42] ("Motion"), attached hereto as Exhibit A, Defendants wish to file a Joint Sur-Reply, which will address an argument that Plaintiff raised for the first time in his Reply.

7. I discussed the attached Motion with Plaintiff's counsel, to determine if Plaintiff would oppose the motion. Plaintiff does oppose the motion, and believes that the Defendants should submit notice of their intent to rely upon uncited, additional authorities.

8. I request that the Court determine the attached Motion without hearing, and before the hearing on Plaintiff's motions for remand on November 19, 2012.

9. This motion is made in the interest of justice and not for any improper purpose or to cause undue delay.

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<sup>1</sup> The related cases are No. 12-cv-266 (the *HSBC* action), No. 12-cv-268 (the *Capital One* action), No. 12-cv-269 (the *Discover* action), No. 12-cv-270 (the *Bank of America* action), and No. 12-cv-271 (the *CitiGroup* action).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: Honolulu, Hawai'i, November 14, 2012.

/s/ Thomas Benedict  
THOMAS BENEDICT